

No. 05-4579

FILEDUNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

AUG 07 2006

HERSHEL SLAUGHTER, JR.,

LEONARD GREEN, Clerk

Petitioner-Appellant,

v.

ANTHONY J. BRIGANO, Warden,

Respondent-Appellee.

ORDER

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Hershel Slaughter, Jr., an Ohio prisoner proceeding pro se, moves for a certificate of appealability in this appeal from a district court order denying his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. Slaughter has also filed a motion to proceed on appeal in forma pauperis.

The district court dismissed Slaughter's petition on both substantive and procedural grounds. Slaughter, therefore, must satisfy two burdens to obtain a certificate of appealability. First, he must demonstrate "that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Second, he must show "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Id.*

Slaughter failed to satisfy either burden. Accordingly, the court declines to issue a certificate of appealability. The motion to proceed on appeal in forma pauperis is denied as moot.

ENTERED BY ORDER OF THE COURT

A TRUE COPY

Attest:

LEONARD GREEN, Clerk

Leonard Green

Deputy Clerk

Leonard Green
Clerk

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

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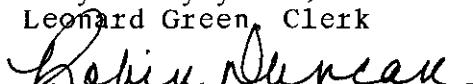
Hershel Slaughter Jr.
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Lebanon, OH 45036

Diane Mallory
Office of the Attorney General
Corrections Litigation Section
150 E. Gay Street
16th Floor
Columbus, OH 43215-6001

RE: 05-4579
Slaughter vs. Brigano
District Court No. 01-00868

Dear Sir/Madam,

Enclosed is a copy of an order which was entered today in the above-styled case.

Very truly yours,
Leonard Green, Clerk

Robin Duncan
Case Manager

Enclosure

Certified Copy to:
Honorable S. Arthur Spiegel
Mr. James Bonini

Mr. James Bonini, Clerk
Southern District of Ohio at Cincinnati
100 E. Fifth Street
Suite 103 Potter Stewart U.S. Courthouse
Cincinnati, OH 45202